

**POLICY AND LAW COMMITTEE MEETING  
MARCH 13, 2008 – 1 PM  
APPOQUINIMINK STATE SERVICE CENTER – MIDDLETOWN, DE**

**Present:** Bob Osgood, SCPD; Daniese McMullin-Powell, SCPD; Brian Hartman, DLP; Jamie Wolfe, Consumer; Ray Brouillette, Easter Seals; Tim Brooks, CDS; Kathie Cherry, GACEC; Al Rose, DDC; Donny Moore, Consumer; Tony Horstman, Parent; Brian Bard, Consumer (via phone); Karen Lazar, Ombudsman's Office; Kyle Hodges, Staff

**Absent:** Chris Long, DHSS/DDDS; Marge Turner, UCP; Liz Schantz; Carolanne O'Brien, DVR; Pat Maichle, DDC; Susan Cycyk, DSCYF; Norwood Coleman, Family Member; Cookie Austin, Parent; Kim Siegel, ASD; Connie Hughes, DELARF; Rita Landgraf, SCPD; Regina Byers, GCAAPD;

**CALL TO ORDER**

Bob Osgood called the meeting to order at 1:05 PM

**ADDITIONS OR DELETIONS TO THE AGENDA**

There were no additions or deletions to the agenda.

**APPROVAL OF MINUTES**

The minutes from the February 2008 meeting were approved as submitted.

**REVIEW OF REGULATIONS AND POLICIES**

1. Dept. Of Insurance Final Use of Credit Insurance Reg. [11 DE Reg. 1253 (March 1, 2008)] – No further action was required.
2. DSS Final Food Stamp Child Support Cooperation Regs. [11 DE Reg. 1243 (March 1, 2008)] - No further action was required.
3. DSS Final TANF Employment & Training Program Regs. [11 DE Reg. 1241 (March 1, 2008)] - No further action was required.
4. DSS Prop. Child Care Subsidy Regulation [11 DE Reg. 1196 (March 1, 2008)] – Motion was made, seconded and approved for SCPD to send a letter to DSS consistent with Brian's memo.
5. DDDS Final Eligibility Regulation [11 DE Reg. 1237 (March 1, 2008)] - No further action was required.

6. DSAAPD Personal Attendant Services Service Specifications [Pre-publication Revised Draft] – It was agreed to write a letter to Secretary Meconi informing him that SCPD is the official advisory Council for the Community Based Attendant Services Act and Council is troubled that the program still does not appear to serve people with mental illness whereas the statute contemplates serving this population. Council would like the Department to address this issue since this could hurt the MFP implementation and there is approximately \$70,000 (before expansion of the program in July 2008) currently being used by DDDS for respite care. We believe the legislature would expect both populations to be served consistent with the statute.

Brian Bard asked if DSAAPD had followed-up on the PAS co-pay issue. The co-pays appear high and do not consider dependents. In addition, some people who appear eligible for co-pays do not have to pay them. Kyle will follow-up with Guy Perrotti.

Motion was made, seconded and approved for SCPD to send a letter to DHSS consistent with the aforementioned approach regarding the PAS program. Ray Brouillette abstained.

Kyle will email Rosanne Mahaney encouraging DMMA to use the revised PAS scope of services for the MFP RFP for PAS. The current RFP uses the older version of the PAS service specifications.

7. DMMA Prop. Medicaid Vehicle Resource Regulation [11 DE Reg. 1191 (March 1, 2008)] - Motion was made, seconded and approved for SCPD to send a letter to DMMA consistent with Brian's memo.

8. DMMA Prop. School-Based Wellness Center Funding [11 DE Reg. 1189 (March 1, 2008)] - Motion was made, seconded and approved for SCPD to send a letter to DMMA informing the Division that we reviewed the regulation and did not identify any concerns.

9. DHSS Proposed Fair Hearing Procedure Regulation [11 DE Reg. 1193 (March 1, 2008)] - Motion was made, seconded and approved for SCPD to send a letter to DHSS consistent with Brian's memo.

10. DOE Proposed Tobacco Policy Regulation [11 DE Reg. 1100 (March 1, 2008)] - Motion was made, seconded and approved for SCPD to send a letter to DOE endorsing the proposed regulation. Tim Brooks abstained.

11. H.B. No. 290 (Insurance Coverage: Scalp Hair Prosthesis) – It was agreed that SCPD would not take a position on the bill.

12. H.B. No. 313 (PTSD Workers' Compensation Coverage) – Motion was made, seconded and approved for SCPD to endorse the proposed legislation with the caveat that the Legislature eventually explicitly expand the general definition of "injury" to encompass mental conditions arising out of the course of employment.

13. H.B. No. 302 (Organ Donations) - Motion was made, seconded and approved for SCPD not to support the bill in favor of supporting an information campaign to increase the percentage of donors without resorting to a controversial “opt out” system.

## **OTHER BUSINESS**

- Kyle provided HB 101 which has been signed. This Bill implements a requirement of the Federal Deficit Reduction Act (DRA) of 2005. The DRA mandates that states have laws in place to require that, as a condition of conducting business in the State, all health insurers provide eligibility and coverage information to the State Medicaid Agency, when the State requests such information. This information exchange will guarantee that third party insurance coverage is exhausted before Medicaid pays for a service for Medicaid recipients who also have third party coverage.
- The following issue came up at our February Policy and Law meeting. A parent has access to private insurance, but would have to pay extra for dependent coverage. The parent then wants to enroll the child in CHIP, but is told the child would have to be uninsured for 6 months before being eligible to apply for CHIP. Is this true or what is the policy? DMMA responded as follows: *The short answer is that the information that this parent was given is correct. The child has to be without comprehensive health insurance for 6 months before becoming eligible for CHIP. The reason this is an eligibility requirement is because there was concern that parents would drop their children’s private insurance to access CHIP. Below is an excerpt from our CHIP policy manual. The entire manual can be found at:*  
[http://regulations.delaware.gov/AdminCode/title16/5000/5100/18000/18000%20Delaware%20Healthy%20Children-01.shtml#P30\\_2347](http://regulations.delaware.gov/AdminCode/title16/5000/5100/18000/18000%20Delaware%20Healthy%20Children-01.shtml#P30_2347)
- Jamie reported that CDS/DMMA had a successful MBI training.
- Al encouraged the Committee to review the Promoting Wellness for Individuals with Disabilities Act of 2007

## **ADJOURNMENT**

The meeting was adjourned at 2:45 PM.

Respectively submitted,

Kyle Hodges  
SCPD Administrator  
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